CDPM
DOCUMENTAÇÃO
TC2431
4/90

HUMAN RIGHTS REPORT

INDONESIA

President Soeharto and the Indonesian Armed Forces (ABRI) --which include the military services and the police--are the preeminent institutions in Indonesia's Government, which came to power in the mid-1960's after an abortive Communist-backed coup. Since 1967 executive authority has been exercised by retired and active-duty military officers and civilian technocrats under President Soeharto's leadership. The partly elected, partly appointed Parliament (DPR) considers but does not initiate legislation. The People's Consultative Assembly (MPR)--consisting of 500 appointed members and the 500 DPR members--meets every 5 years to approve guidelines for government policy and elect the President and Vice President.

Indonesia is the fifth most populous country in the world and the largest in Southeast Asia. Since independence, Indonesian governments have sought to create a unique national identity and to accommodate a diversity of ethnic, linguistic, religious, and social groups, while assuring internal security and cohesion. The centerpiece of the Soeharto Government's political program is "Pancasila," an eclectic state ideology emphasizing consultation and consensus and composed of five broad principles: belief in one supreme god, belief in a just and civilized humanity, Indonesian national unity, democracy, and social justice.

The armed forces number about 416,000. A little less than half serve in the army, which is primarily concerned with internal security. Under a "dual function" concept, many military officers serve in Parliament and the civilian bureaucracy at all levels. Frequent military operations took place in East Timor and Irian Jaya, where Fretilin and Organization for a Free Papua (OPM) rebels continued sporadic activities in low-level insurgencies.

Although Indonesia's mixed economy involves the State in nearly all sectors, the Government is pursuing a set of policies designed to give greater freedom to the private sector. Beginning with the collapse of oil prices in the early 1980's, deregulation aimed primarily at stimulating growth in nonoil sectors has been a major government objective. A large devaluation in 1986, and a subsequent flexible exchange rate, has helped strengthen the rupiah and

boost nonoil exports. The oil sector accounted for less than 50 percent of Government revenues and foreign exchange earnings in 1988. Real gross domestic product (GDP) growth in 1988 was 5.7 percent and the industrial growth rate much higher. Despite substantial increases in real incomes in the past 20 years, the country remains poor and wide disparities in wealth continue. Corruption and influence peddling are endemic and restrict growth and economic opportunity.

Despite progress in some areas, including greater freedom of movement for Indonesians and foreigners to and within East Timor, continued tolerance for ethnic, racial, and religious differences, a broadened political debate, including enhancing the role of parliament vis-a-vis the executive, new government regulations that protect working women and formalize the minimum wage structure, and the conviction and sentencing to jail terms of several police officers for mistreatment or killing of detainees, serious human rights problems remained. These included harsh treatment of Muslim activists' efforts to organize opposition, discrimination against ethnic Chinese, reports of excessive use of force in quelling violence in Lampung, periodic detentions of East Timorese suspected of Fretilin sympathies, killings of civilians in East Timor, harsh sentences meted out in several subversion trials, continued significant restrictions on freedoms of the press and movement, and pervasive political controls which ensure continued military domination of the Government.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Casualties in Lampung Province in a clash in February between members of an Islamic sect and the military, responding to an officer's kidnaping and murder, officially numbered 38, most of them civilians. The background of the incident remains obscure, but persistent allegations of a significantly higher death toll than officially announced raise concern about the military's possible use of excessive force in restoring order.

A presidential autobiography published in April explained that the "mysterious killings" or summary executions of thousands of suspected criminals from 1982 to 1985 were a deliberate policy to stem increased crime. At that time, officials attributed the killings to criminal gang warfare. An estimated two dozen or more civilians were killed by the military in East Timor in 1989.

b. Disappearance

Temporary disappearance of persons held for interrogation by security forces occurred periodically, particularly in East

Timor and Irian Jaya. Reports were often unspecific and difficult to confirm, but in some cases authorities appeared to act outside the law.

No exact figures are available on the number of permanent disappearances widely believed to occur yearly. Newspapers in May publicized the cases of Nano and Soni Abdullah, brothers who reportedly disappeared following arrest in Pekanbaru in 1984. Regular International Committee of the Red Cross (ICRC) access to prisons in East Timor and elsewhere in Indonesia has helped to locate some missing persons in past years.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Credible reports of torture and mistreatment of criminal suspects, detainees, and prisoners were frequent. Police treatment of detainees, even in minor incidents, often results in physical abuse. Several students detained in the wake of the Pope's visit to East Timor in October were reportedly beaten. The practice of "shooting to wound" suspected criminals allegedly attempting to elude arrest in Medan declined in 1989. The local press, nonetheless, continued to report at least one incident each month in which police shot a suspect in the leg, often repeatedly. Officials have publicly acknowledged and condemned police brutality and unacceptable prison conditions and in 1989 took disciplinary action in several cases against criminal suspects. Among other instances, the Yogyakarta military court dismissed two policemen and sentenced them to jail terms of 2 years 3 months and 2 years 6 months, respectively, for beating to death 17-year-old Bakri Budi Santoso, and a military court in Cianjur sentenced two police officers to 17 and 15 years, respectively, for killing a student, Apud Mahpudin. There were no known instances of officials being punished for mistreatment of political prisoners or detainees. East Timorese Bishop Belo and others alleged mistreatment and torture by security forces in East Timor of persons detained on suspicion of aiding or sympathizing with the Fretilin guerrillas, charges denied by officials. Similar allegations were made concerning mistreatment of persons in Irian Jaya suspected of ties with or sympathies for the Organization for a Free Papua (OPM) rebels. Rebels in both East Timor and Irian Jaya reportedly harassed and terrorized civilians from time to time.

d. Arbitrary Arrest, Detention, or Exile

The criminal procedures code (KUHAP) contains protections against arbitrary arrest and detention and specifies the right of prisoners to legal counsel and notification of family. These safeguards are often disregarded in practice, notably in cases of alleged subversion. KUHAP provisions are respected more regularly in urban areas than in small towns or remote areas. Security agencies arrest and detain persons to

intimidate and inhibit activities they consider undesirable. Legal mechanisms for redress of such actions are inadequate. The Jakarta district court rejected a suit by student demonstrators against police for alleged unlawful detention on the grounds that the students were interrogated as witnesses, not suspects, and thus not entitled to challenge the legality of their detention.

Detainees in cases of alleged subversion can be held up to a year without charges. In the past the number of persons detained without trial was estimated to be as many as 500, although this figure could not be verified, and no more recent estimates were available. Security forces in East Timor on several occasions detained persons for days or weeks on suspicion of subversive activity. Most were subsequently released without charges. Implementation of a 1987 Presidential Decree on remission of prison terms produced uncertainty about the status of some prisoners, including several reportedly still in jail despite apparent expiration of their sentences. Mrs. Sundari Abdulrahman, a former official in the Indonesian Communist Party (PKI) whose case was under consideration by the Inter-Parliamentary Union, was released from prison in August. A number of East Timorese left prisons in Jakarta and Dili after finishing sentences for involvement with Fretilin.

The precise functions and powers of the Agency for Coordination of Assistance for the Consolidation of National Security (BAKORSTANAS) remained unclear. In Lampung and elsewhere, elements of it appeared to exercise the emergency security provisions accorded its predecessor, the Command for the Restoration of Security and Order (KOPKAMTIB). KOPKAMTIB was permitted exceptions from KUHAP procedures and wide, special powers to detain and interrogate persons thought to threaten national security, particularly in cases of suspected subversion, sabotage, secession, or corruption. BAKORSTANAS may have retained those powers. Indonesian law does not provide for the right to judicial review of such actions or for the right to protection or legal aid for the detainees. Their cases are rarely if ever publicized.

With regard to forced or compulsory labor, see section 6.c.

e. Denial of Fair Public Trial

A quadripartite judiciary, consisting of general, religious, military, and administrative courts, exists below the Supreme Court, the highest court of appeal. Parliament passed a law in December that will permit--once implementing regulations are drawn up--the religious courts used by many Muslims to effect judgments without consent of the general courts and to exercise jurisdiction over a somewhat widened field of family law matters. The independence of the judiciary is significantly constrained by the facts that judges are civil servants of the executive branch and that the Supreme Court cannot annul laws passed by Parliament.

Panels of three judges conduct most trials, hear evidence, decide guilt or innocence, and assess punishment. The right of appeal from district court to high court to Supreme Court exists. The Supreme Court does not consider material aspects of a case, only the application of law by lower courts. Initial judgments are rarely reversed, although sentences are occasionally changed. Most court sessions are open to the public and most defendants, if they can pay, have access to counsel. However, such access is in some cases significantly delayed and there are occasional reports of official efforts to influence the choice of counsel. If destitute, defendants can find private legal help such as that provided by the Legal Aid Institute (LBH). Alternatively, the courts have discretion to provide a limited amount of aid for those unable to afford legal assistance. The State must assure legal assistance in capital cases. Government support for programs to improve legal awareness and literacy, legal training, and legal research capabilities is a positive step toward addressing the legal system's deficiencies.

Corruption permeates the Indonesian legal system. In civil and criminal cases, bribes can influence decisions, prosecution, conviction, and sentencing. Use in trials of forced confessions and limitations on the presentation of evidence by the defense are reportedly common. The Government has occasionally taken action against flagrant offenders, but by and large these abuses continue unchecked.

Conviction is virtually automatic for persons accused under Indonesia's broad 1963 subversion provisions, which among other things forbid advocacy or actions in support of secession or creation of an Islamic state, as well as criticism of Pancasila. President Soeharto said in August that comparative study of foreign ideologies, including Communism, with Pancasila is permissible. The Government tried or announced preparations to try some 70 persons for subversion in 1989. A student and an employee at Yogyakarta's Gajah Mada University were sentenced to prison terms of 7 and 8 years, respectively, for circulating, possessing, or advocating banned writings. Appeals are expected. Trials of some defendants from the February incident in Lampung produced sentences of life imprisonment in five cases and 20 years in another. All but one of these defendants refused the Government's offer of legal assistance. Trials also began in Jakarta and Sumbawa of persons charged with seeking to establish an Islamic state.

The Government does not provide data on the number of persons serving sentences under antisubversion laws. Some observers estimate there may be at least 400. These estimates include persons sentenced for involvement in the 1965 coup attempt and alleged Muslim extremists, many of whom, some observers believe, were convicted for peaceful protest activity.

The President (through the Coordinating Minister for Political Affairs and Security), the Minister of Justice, and the Attorney General, criticized as too lenient a district court decision in March which sentenced a convicted smuggler to a year's probation. Smuggling is classified as a subversive offense and subject to a maximum penalty of death. In April a national legal association called on its Jakarta chapter to deny legal counsel to persons charged with smuggling and corruption.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Judicial warrants for searches are required except for cases involving suspected subversion, economic crimes, and corruption. However, forced or surreptitious entry by security agencies reportedly occurs regularly, especially in East Timor. Security agencies also conduct surveillance of persons and residences to intimidate and are believed to monitor selectively local and international telephone calls, without legal restraint. Correspondence generally is not monitored, although letter mail to and from East Timor may still be an exception. Government security officials try to monitor the movements and activities of up to 2.5 million former members of the Indonesian Communist Party (PKI) and approximately 20 million former members of its front groups. Even relatives of such persons can suffer adverse consequences, e.g., loss of government employment.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Significant restrictions on freedom of speech and press exist. Laws delimiting the rights of individual persons and the Government are applied by different government agencies with considerable discretionary authority and without effective judicial review. Public statements or publications which criticize or could be perceived as critical of the Government, Pancasila, top leaders, their families, or particular religious and ethnic groups are strongly discouraged if not strictly forbidden. Trials and convictions of some persons under the subversion law periodically demonstrate these limitations.

The media generally avoid or exercise great caution in disseminating views of government critics, including prominent opposition figures, because of the risk of official disapproval or informal government instructions not to publish them. The general lack of specific, clear guidelines on what is permissible has generated a significant degree of self-censorship both in public speaking and in the press. Nonetheless, the limits of government tolerance are regularly tested, and public discussion and media reporting of a number of topics generally regarded as sensitive to the Government

(including human rights issues) increased significantly in 1989. Some representatives of nongovernmental organizations attending an April conference in Belgium went beyond the governmental bounds, however, and officials publicly and privately chastised them for voicing criticism outside Indonesia of the alleged negative social and human rights impact of certain development projects.
The Government operates the national television network. It was criticized by the Minister of Information for airing songs the Government judged to be of low moral value and by religious leaders for showing a film considered offensive to Muslims. A private company which offers a subscription television service to viewers in the Jakarta area received a government warning for advertising and programming considered culturally inappropriate. Satellite dishes are used by the media and the elite to monitor television broadcasts from the United States and other countries. Television signals from neighboring countries are received in some parts of Indonesia. While more than 400 private radio stations operate in Indonesia, they may use only government-provided news programs. The Minister of Information warned the many Indonesians who listen to shortwave radio broadcasts not to be unduly influenced by reports critical of the country.

While academic freedom is guaranteed, constraints exist on the activities of scholars. They sometimes refrain from producing written materials, including dissertations, which they believe might provoke government displeasure. Publishers are unwilling to accept manuscripts dealing with controversial issues.

The press is largely privately owned. Civilian and military officials regularly maintain that, in accordance with Pancasila, the press is "free" but also "responsible." The Government expects the media to support national development and stability; to be educational; and to uphold professional standards. Government officials regularly advise editors and reporters about news which cannot be reported and closely monitor media outlets for material unacceptable to the Government. The Government issues oral or written warnings for published material found objectionable. If ignored, warnings could result in a circulation ban or revocation of the license to publish. The number of newspaper licenses is limited, and regulations control the amount of advertising and the number of pages. In 1989 the press received warnings for reports on land disputes, student demonstrations, and subversion trials; for speculation about future political leaders; for publication of sexually provocative pictures; and for misquotation of officials. The Attorney General banned as culturally inappropriate an Indonesian-language translation of a children's educational book depicting the human reproductive process. Several other foreign and domestic books were banned for assertedly subversive ideological content.

Chinese-language publications, with the exception of one officially sanctioned daily newspaper, can neither be imported

nor produced domestically. Although organized private instruction of Chinese is discouraged, there are some private school classes, informal circles, and private teachers. No laws prohibit the speaking of Chinese, but the Government lays heavy stress on the learning and use of the national language, Bahasa Indonesia.

The Government closely regulates visiting and resident foreign correspondents and occasionally reminds the latter of its prerogative to deny requests for visas or visa extensions. One foreign correspondent was denied entry in 1989; no foreign correspondents were denied visa extensions.

The importation of foreign publications and video tapes, which must be reviewed by government censors, requires a permit. Importers usually avoid foreign books critical of the Government or dealing with topics sensitive to the Government, such as human rights. Foreign periodicals, readily available in Indonesia, are subject to censorship prior to distribution. Importation of some foreign newspapers and magazines and all Communist publications is prohibited. In 1989 the Attorney General and Supreme Court banned first the importation of "The Satanic Verses" and then its domestic circulation. Censorship of imported newspapers and other written materials generally was more relaxed in 1989.

b. Freedom of Peaceful Assembly and Association

All organizations must have government permission to hold regional and national meetings. Local jurisdictions often require prior approval for smaller gatherings as well. While obtaining such approval is fairly automatic and apparently was eased in 1989, authorities withhold permission on occasion. Officials refused to approve a Christian youth gathering in a predominantly Muslim area in southeast Sulawesi. Student gatherings have often been the target of disapprovals, and overt political activity at universities remains forbidden under the "campus life normalization" (or "NKK") law of 1978. Nonetheless, student activism, including peaceful demonstrations, increased markedly in 1989. Reactions from civilian and military officials and university rectors varied considerably. Sometimes students were applauded for bringing issues to public attention; other times tolerated, warned, or expelled; and on several occasions forcibly dispersed.

Several student protestors were hospitalized in September following a clash with security forces in Yogyakarta. Authorities detained and arrested several students for participating in protests. Two of these went on trial on criminal charges. A demonstration by about a score of students displaying nationalist banners which took place at the conclusion of the Pope's mass in East Timor was broken up by security forces. Credible reports say several students were detained; others sought refuge in the local bishop's residence.

The 1985 "Social Organizations" (or "Ormas") Law requires all organizations, including recognized religions and associations, to adhere to Pancasila. This provision, which limits political activity, is widely understood as prohibiting groups which advocate making Indonesia an Islamic state. The law empowers the Government to disband any organization it believes to be acting against the tenets of Pancasila and requires prior government approval for any organization's acceptance of foreign funds. Security forces have infiltrated and broken up Islamic study groups which met privately to advocate strict obedience to Islamic law.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution guarantees religious freedom for four state-recognized religions--Islam, Christianity, Buddhism, and Hinduism--and also permits the practice of mystic and animist religion ("aliran kepercayaan"). Although most Indonesians are Muslims, Indonesia has traditionally displayed a high degree of religious tolerance, and the practice and teachings of the other recognized faiths are respected. The Catholic church operates freely in East Timor.
There are, however, a number of restrictions on religious activity. According to official statistics, nearly 400 "misleading religious cults" are banned, including some Islamic groups considered heretical. These bannings affect perhaps 20,000 adherents or more. New bannings occur periodically. Membership in Jehovah's Witnesses and the Baha'i faith is banned, although several thousand Jehovah's Witnesses are believed to practice in Jakarta alone. A central Java court in 1989 sentenced two persons to jail terms of 1 1/2 and 2 1/2 years, respectively, for spreading Jehovah's Witnesses' teachings and allegedly causing unrest. Authorities have occasionally harassed or discriminated against Baha'is. Twelve members of a banned Muslim sect were reportedly arrested in south Sumatra in September en route to Aceh for proselytizing. Because the first tenet of the Pancasila is belief in a supreme being, atheism is forbidden. The legal requirement to adhere to Pancasila extends to all religious and secular organizations. The Government often tolerates private practice of banned religions, although local authorities occasionally harass adherents or pressure them to convert.

The Government strongly opposes Muslim groups which advocate establishing an Islamic state or acknowledging only Islamic law, both of which are outlawed. An estimated 120 alleged Muslim extremists are serving prison terms on charges of subversion. Several foreign Muslim fundamentalist teachers reportedly found proselytizing while on tourist passes were deported during the year with some publicity.

There is no legal bar to conversion between faiths, and conversions occur. However, proselytizing between the recognized religions or in areas heavily dominated by one religion or another--excluding mystic and animist religions--is considered potentially disruptive and discouraged. Foreign missionary activities are relatively unimpeded. In recent years, however, some foreign missionaries have had difficulty renewing visas or residence permits. On the basis of laws and decrees issued in the mid-1970's, the Government does not allow foreign missionaries to spend more than 10 years in Indonesia (15 in exceptional circumstances only). With rare exceptions, enforcement of this policy does not discriminate by sect or nationality. Exceptions to the 10-year rule have also been granted to foreign religious workers in the remote areas of Irian Jaya and Kalimantan since late 1987. The Government says it intends over time to reduce the number of foreign missionaries in order to encourage employment of Indonesians. Foreign missionary work is subject to the funding stipulations of the "Ormas" law discussed above.

Indonesian Muslims, Christians, and Buddhists maintain active links with coreligionists inside and outside Indonesia and travel abroad for religious gatherings. The Government permits a set number of pilgrims to make the hajj annually. Such trips are available only though government-organized tours. The Pope visited Indonesia in October, offering mass to Catholics in Medan, Jakarta, Yogyakarta, Flores, and East Timor. During his visit, he praised Indonesia's respect for the ethnic, cultural, and religious pluralism among its citizens. More than 100,000 Catholics from East and West Timor attended the service in Dili at which the Pope officiated.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Restrictions on freedom of movement exist. Permits to seek work in a new location are required in certain areas, primarily to control the further shift of population from rural to urban areas.

The Government said noncitizen ethnic Chinese who did not take advantage of a 1988 offer of immigration amnesty would be tried as illegal immigrants. Estimates of the number of persons potentially affected vary considerably, and no such trials have yet taken place. In the past, some ethnic Chinese encountered legal and bureaucratic obstacles to obtaining citizenship, despite official encouragement of naturalization. Officials barred 60 ethnic Chinese citizens from foreign travel for a year for visiting China without proper authorization.

By administrative action, the Government periodically prohibits foreign travel of domestic critics and others in

disfavor. Although reliable figures are not available, it is estimated that some 5,000 Indonesians--including some prominent past civilian and military officials--currently may not leave the country. Some critics, however, are free to travel abroad, and a person banned at one time may be permitted to travel subsequently. Students do not need government permission to go abroad for study. In April the Government abolished the exit visa requirement for active-duty and retired members of the armed forces, state officials, civil servants, and their families, a step potentially affecting an estimated 11 percent of the population.

Restrictions on movement by Indonesian and foreign citizens to and within parts of Irian Jaya continue, officially based on the grounds of security risk or the cultural vulnerability of indigenous peoples. Beginning in January 1989, restrictions on movement to, from, and within East Timor eased considerably under a policy of "normalizing" East Timor's status. Nonetheless, frequent security checks affect virtually all transportation and travel in East Timor outside Dili. Curfews and other restrictions on movement are often in force at times of military operations in a given area. Family visits back to East Timor by East Timorese now living in Australia began in 1988 and continued in 1989.

Former political detainees, including those associated with the abortive 1965 coup, must notify authorities of their movements and may not change their residence without official permission. Members or alleged supporters of the banned Indonesian Communist Party (PKI) outside Indonesia have been allowed to return only on a case-by-case basis.

Under its refugee policy, Indonesia has given first asylum to over 106,000 Indochinese refugees since 1975. The Indochinese refugee population at Indonesia's Galang facility stood at about 6,600 at the end of October. Of this number, 1,200 are classified as refugees under the Comprehensive Plan of Action on Indochinese refugees (CPA) adopted at the June International Conference on Indochinese Refugees in Geneva; the rest are classified as asylum-seekers pending screening by Indonesian authorities for refugee status eligibility. Since May Indonesia accepted refugee boats pushed off from Malaysia with a total of 2,500 Indochinese asylum seekers.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Parliament, political parties, and the general public have little ability to influence government decisions or to change the system or its leadership. President Soeharto and a small group of active-duty and retired military officers and civilian technocrats exercise governmental authority. The military, under a dual-function doctrine of defense/security plus social/political responsibilities, is preeminent in most areas of government activity, although in some parts of the Government its presence has declined in recent years. The

Constitution provides Parliament a mechanism to call the President to account in extraordinary circumstances but whether it could be used effectively is in doubt. Government leaders do seek out and receive public opinion informally. In several cases in 1989, petitions to ministers and the Parliament about inequitable land decisions and other demonstrable injustices received wide publicity. Reflecting a strong cultural preference, Indonesian leaders emphasize the importance of decisionmaking through "consultation leading to consensus," rather than voting, to resolve disputes.

In 1989 lively public debate among elites on the need for political openness to keep pace with and support economic progress focused attention on the paternalistic political system and the challenge of managing change. When asked publicly whether there is a need for changes in electoral procedures, political party leaders responded that the current electoral system is appropriate and adequate.

The Parliament--whose membership must be acceptable to the Government--considers bills presented to it by government departments and agencies and does not draft laws on its own, although it has the constitutional right to do so. The Government seeks to resolve potential parliamentary concerns before bills are officially presented. Parliament changes the text and occasionally the intent of bills it reviews, and in 1989 significantly altered major bills on the national education system and religious courts.

Only three political organizations are allowed by law. The United Development Party (PPP) and the Indonesian Democratic Party (PDI) are not considered opposition parties. By law, they embrace the Pancasila, and they seldom espouse policies much different from the Government's. The third, GOLKAR, is a longstanding, government-sponsored organization of functional groups which acts as a political party. Former members of the Indonesian Communist Party (PKI) and some other banned parties may not run for office or be active politically.

The leaders of the three legal political organizations are approved, if not chosen, by the Government, and their activities are closely scrutinized and often guided by government authorities. GOLKAR maintains close institutional links with the armed forces and KORPRI, the nonunion association to which all civil servants automatically belong. Civil servants may join any of the political parties with official permission, but most are members of GOLKAR.

General elections for Parliament and for provincial and district assemblies are held every 5 years. GOLKAR won 73 percent of the vote in the 1987 elections. All adult citizens, except active-duty armed forces personnel, convicted criminals serving prison sentences, and some former PKI members, are eligible to vote. Voting is not mandatory, but strong social pressures ensure participation. Protest votes

take the form of blank or deliberately spoiled ballots. As in 1988, voters in several villages in Java rejected government-proposed candidates running unopposed for the position of village head.

Under the 1985 election law, the Parliament elected in April 1987 consists of 500 members, 400 elected by the voters and 100 appointed by the Government from the armed forces. The People's Consultative Assembly (MPR) consists of Parliament plus 500 other members appointed by the President and by regional governments. The MPR, which convenes every 5 years, ended its most recent session in March 1988 after approving guidelines for government policy for the next 5 years and reelecting President Soeharto to a new 5-year term, with retired Lt. Gen. Sudharmono as Vice President. For the first time an alternate candidate vied for the Vice Presidency in 1988, until he ultimately withdrew from contention.

Participation in the political process by Indonesia's many ethnic groups and minorities varies. Some are well and prominently represented; some are underrepresented and without influence; and others have a significant voice only through informal channels.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government considers outside investigations of alleged human rights violations to be interference in its internal affairs. AI has been refused access to Indonesia; Asia Watch visited in 1988 and 1989. Access specifically to East Timor by representatives of such organizations--which the Government considers biased--has traditionally been restricted. However, AI and Asia Watch have not yet tested the new East Timor "normalization" policy, which appears to have loosened those restrictions. Diplomats and some journalists are encouraged to visit the province. The Government ignored calls by domestic human rights groups and activists for impartial investigations of the February Lampung incident and detentions of radical preachers in Sumbawa in March. While various domestic organizations and persons interested in human rights operate energetically, the Government uses its considerable powers to discourage sustained, meaningful human rights activities, including maintenance of close ties with foreign human rights organizations.

The ICRC is authorized by the Government to visit persons jailed in connection with armed resistance in East Timor One press report in 1989 suggested that many have not been visited despite the Government's pledge. The ICRC provides medical and food aid to prisoners and their families; carries out medical and nutritional surveys in villages in East Timor; arranged family reunification in East Timor and abroad (mainly Portugal); and arranges repatriation to Portugal of former

Portuguese civil servants and their families in East Timor. The ICRC opened an office in Irian Jaya in 1989 to assist future border crossers returning from camps in Papua New Guinea and to monitor conditions of persons jailed in connection with OPM activities. In 1988 and 1989, the ICRC visited and interviewed all remaining prisoners convicted of participation in the 1965 Communist-backed attempted coup.The Government does not allow access by the ICRC or any other international humanitarian group to the numerous Muslim activists held prisoner.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Indonesia generally exhibits considerable tolerance for ethnic, racial, and major religious differences, although official and informal discrimination against ethnic Chinese is a significant exception. They are pressured to take Indonesian names. Since 1959 noncitizen ethnic Chinese have been denied the right to run businesses in rural Indonesia. Government regulations prohibit the operation of all-Chinese schools and institutions of higher learning, formation of exclusively Chinese cultural groups or trade associations, and public display of Chinese characters. However, these restrictions are not always observed in practice. Many people of Chinese ancestry have been successful in business and the professions. Social and religious groups which are, in effect, all-Chinese are not proscribed and do exist. Performances of a Chinese opera from Taiwan in Jakarta and of a play about Chinese in Medan were canceled by the Government.

Women are equal before the law, with the same rights, obligations and opportunities afforded men. Indonesia has ratified the U.N. Convention on the Elimination of all Forms of Discrimination against Women. Some Indonesian women enjoy a high degree of economic and social freedom. Women occupy important midlevel positions in the civil service, educational institutions, labor unions, the military, the professions, and private business. Women make up approximately 37 percent of the work force, with the majority in the rural sector.

Despite legal guarantees of equal treatment, women seldom receive equal pay for equal work. The Minister for the Role of Women, Mrs. A. Sulasikin Murpratomo, has called public attention to women's undue burden of illiteracy, poor health, and poor nutrition. Traditional practices ("adat") can also in some cases undercut state policy. Spouses of civil servants are strongly encouraged to participate in a government-sponsored women's organization. Several voluntary, private groups work actively to advance women's legal, economic, and political rights. The media periodically report instances of rape and other abuse against women and subsequent legal proceedings against the perpetrators. However, reliable data concerning the extent of violence against women is not available. The Government has recognized publicly that

domestic violence is an emerging problem for Indonesian society. In May it held a seminar to encourage efforts to understand and overcome this problem. Several university centers studying the role of women focus some attention on domestic violence. One Jakarta-based organization provided counseling to victims and families in 210 cases of domestic violence in 1988 and in 94 cases as of April in 1989. The Ministry of Religious Affairs also offers counseling to married couples. However, cultural, social, psychological, and other factors inhibit reporting of such abuse and recourse to counseling and legal protection.

Section 6 Worker Rights

a. The Right of Association

Private-sector workers are free to form or join unions without previous authorization, but such unions, in order to be able to bargain collectively, must belong to the All Indonesia Workers Union (SPSI), which, for all practical purposes, is the only legal trade union organization in Indonesia. About 5 percent of the total labor force of nearly 75 million is organized. The SPSI now consists of 9 departments covering broad industrial sectors and 9 specialized institutes. It has representation in all 27 provinces. It estimates that it has about 10,000 local units at the plant level and over 3 million members. A number of groups and professional associations, e.g., the teachers' and journalists' associations and the Joint Secretariat of Industrial Unions, function as quasi-trade unions and operate openly, although they do not have the right to engage in collective bargaining. The SPSI and its local units draw up their own constitutions and rules and elect their representatives.

The Government views unions as an essential component of its development plans, with the role of increasing worker participation in development, maintaining industrial peace, and elucidating the Government's philosophy of Pancasila as it applies to industrial relations. Labor-management relations in Indonesia are supposed to be carried out within the framework of Pancasila principles, which emphasize consultation among the parties and avoidance of confrontation. There is pressure on SPSI officials to join GOLKAR, and GOLKAR members dominate the leadership.

The Ormas law discussed in Section 2.b. governs the activities of the SPSI and the quasi-unions. Government approval is needed for meetings outside SPSI headquarters. Permission is routinely given to the SPSI and to nonregistered organizations overtly functioning as unions. A union may be dissolved, as with other mass organizations if the Government believes it is acting against Pancasila tenets. There are no laws or regulations laying out the procedures for the dissolution of a union, and there have been no cases of union dissolution.

Although the SPSI maintains extensive international contacts,

it is not affiliated with any international trade union organization, except the ASEAN Trade Union Council--a regional body consisting almost exclusively of affiliates of the International Confederation of Free Trade Unions (ICFTU). As a fallout of the 1985 restructuring of the SPSI, there has been no formal ICFTU presence in Indonesia since 1986. International trade union secretariats retain links with some elements of the SPSI, such as the port and maritime workers. The "Joint Secretariat," grouping elements of the SPSI and the unions not legally recognized by the Government, has links with the World Confederation of Labor. The SPSI is seeking to affiliate with the ICFTU.

All organized workers have a legal right to strike with the exception of civil servants and employees in the 21 industries designated by a Presidential Decree in 1963 as vital to the national interest. Many of the installations and projects covered by the decree no longer exist or have been absorbed into other agencies and departments. Those that remain cover about 170,000 workers.

State enterprise employees and civil servants must belong to KORPRI, the Indonesian corps of civil servants--a nonunion association chaired by the Minister of Home Affairs. The central board of KORPRI and its secretariats at the provincial level have employee relations bureaus, which are responsible for settling employee disputes. Some government departments have specific agreements with the Department of Manpower which call for the convening of a labor committee to resolve disputes.

A private-sector union must notify the local Department of Manpower office that its attempts to resolve disagreements through negotiations have failed and that the union will go on strike. No approval is required. During 1988 and 1989, there were 53 reported strikes involving 11,456 workers. Most strikes are brief, spontaneous, and nonviolent. Some observers believe that for every officially recorded strike, there may be 4 to 5 others.

The strike outcomes varied. A review of approximately 20 strikes near Jakarta showed some employee demands were met. Some involved conciliation by the local branch of the Department of Manpower, some were resolved through negotiations with management, and others resulted in the firing of union officials for ostensibly work-related reasons.

Private-sector industrial disputes are submitted to tripartite administrative tribunals. These tribunals hear arguments and issue executable, enforceable decisions. Decisions of the tribunals and private arbitrators can be enforced through the courts. The Minister of Manpower can nullify decisions of the administrative tribunals on legal or national interest grounds. Although technically the Minister's decisions can be appealed to the courts, in practice it is rarely done. Under

the law the parties can elect binding arbitration in lieu of the tripartite settlement mechanism. However, this provision is seldom used; most cases are handled by the Department of Manpower's mediation and conciliation service.

Indonesia has ratified International Labor Organization (ILO) Convention 98 on the Right to Bargain Collectively, but has not ratified Convention 87 on the Freedom of Association.

The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) believes that Indonesian workers are denied the right of association. Specifically, it alleges that the SPSI is dominated by the Government and is an agent of government labor policy, that the Government unilaterally denies the right to strike in certain industries, that the Government regularly guarantees a nonunion environment to foreign investors, and that public employees may not organize or strike. The ILO's Committee on Freedom of Association (CFA) has under consideration a 1987 complaint by the ICFTU which alleges that Indonesian legislation restricts trade union rights, particularly the rights of government employees, contrary to the principles of freedom of association and the provisions of ILO Convention 98. The Committee requested at its November 1988 session that the Government take steps to amend its legislation in some areas and to provide additional information on others. The Government said in its February response that freedom of association and collective bargaining are fully respected and that Indonesia is now in the process of developing "the most suitable pattern" of applying these rights. In May 1989, the CFA still found that a large section of the Indonesian work force does not have freedom to form or join a workers' organization of their own choosing and requested the Government to amend its legislation to permit government employees to establish unions outside the KORPRI structure and to remove other restrictions.

b. The Right to Organize and Bargain Collectively

Collective bargaining is guaranteed by law; the Department of Manpower vigorously promotes collective agreements as instruments of Pancasila industrial relations. The overwhelming majority of the SPSI's collective bargaining agreements are negotiated and concluded bilaterally with the employer. Once an employer has been notified that 25 employees have joined a union, he is under an obligation to bargain. As a transitional stage to encourage collective bargaining, regulations require that every company which has 25 or more employees must issue company regulations defining the terms and conditions of employment. Of the approximately 10,000 local SPSI units, only about half have executed collective bargaining agreements. In what the Department of Manpower has characterized as an effort to promote voluntary negotiations between employees and employers, it has encouraged the organization of unions. The Minister of Manpower has set a target of 2,000 collective bargaining

agreements over the next 5 years. By regulation, negotiations are to conclude within 30 days. If not, the matter is to be submitted to the Department of Manpower for mediation and conciliation/arbitration. In practice, most negotiations are concluded before the end of the 30-day period. Agreements are valid for 2 years and can be extended for 1 year.

The law protects collective bargaining agreements and the negotiating process by imposing obligations on both the union and the employer. Both parties are obligated to execute the agreements and to bargain in good faith. The law applies equally in the export processing zones. Some companies in these zones have SPSI units; however, none has negotiated a collective bargaining agreement.

Regulations expressly forbid employers from prejudging or harassing employees because of union membership, and employees are urged to report harassment to the Government. The SPSI claims, supported by reported incidents, that some employers discriminate against its members and those wishing to form SPSI units. Charges of antiunion discrimination are handled by the administrative tribunals.

Workers can organize without restriction in a private enterprise even if it is designated vital by the Government. If the State has a partial interest, the enterprise is considered to be in the public service domain, but this does not legally limit organizing. There are a significant number of government/private joint enterprises which have labor unions and which bargain collectively.

The AFL-CIO also alleges that Indonesia denies workers the right to organize and bargain collectively. The AFL-CIO has charged that the Government routinely denies permission for union meetings and subverts collective bargaining by routinely substituting compulsory arbitration for genuine collective bargaining. The 1987 ICFTU complaint alleged that Indonesian regulations permit only the SPSI to register legitimately, thereby failing to encourage and promote collective bargaining, and that the laws do not satisfy the antiunion discrimination requirement of ILO Convention 98.

c. Prohibition of Forced or Compulsory Labor

Forced labor is strictly prohibited and does not exist.

d. Minimum Age for Employment of Children

In 1987 the Indonesian Department of Manpower issued new regulations on child labor, acknowledged a class of children under age 14 who for socioeconomic reasons must work and noted that Indonesia's child labor laws have not been properly enforced. These laws provide detailed safeguards, including requirements for parental consent, prohibition of dangerous work and night work and limiting the workday to 4 hours.

Employers must also cooperate with public authorities to assure that children under 14 comply with the 1989 National Education Law, which requires that children complete 9 years of school beginning at age 7. However, these regulations are inadequately enforced, and some observers have called for national enforcement procedures.

The new regulations call for improved enforcement of the child labor law. Employers are now required to report in detail on every child employed, and periodic inspections are to be carried out by the Department of Manpower. Employers not complying with the law and regulations will be subject to fines of $65 and/or up to 3 months in jail for each infraction.

The Manpower Department, as a follow-up to its new regulations, has issued directives to remind local Department of Manpower offices of their inspection obligations and to increase inspection in the informal sectors. However, according to the Department, as of March 1989 there were only 4,749 children registered as employed in Indonesia. Some local observers claim that as many as 2 million youths under the age of 14 are working one-half to full time or more, though most of these are thought to be employed in family-run businesses in the informal sector and at agricultural sites where normal enforcement mechanisms are difficult to implement. The Department of Manpower admits that employer compliance with the new regulations is far less than ideal and that it still lacks qualified inspectors to carry out the inspections. It estimates that less than 50 percent of companies employing children have registered.

Present efforts to control child labor focus primarily on instituting educational programs for children who must work. Future programs call for allocation of special funds to provide educational opportunities for working children cooperating with self-help institutes which will provide educational programs, and increased government inspection. The Government, however, still relies upon persuasion and teaching employers rather than penalizing them.

e. Acceptable Conditions of Work

The law establishes 7-hour workdays and 40-hour workweeks, with one-half hour of rest for each 4 hours of work. The daily overtime rate is one and one-half the normal hourly rate for the first hour, and twice the hourly rate for additional overtime. Regulations allow employers to deviate from the normal work hours upon request to the Minister of Manpower with agreement of the employees.

In the absence of a national minimum wage, minimum wages are established for each region, and for sectors and subsectors within the region, by regional wage councils working under the supervision of the National Wage Council. This is a quadripartite body consisting of representatives from labor,

management, government, and universities. It also establishes a basic "physical needs" figure for each province--a monetary amount considered sufficient to enable a single worker or family to meet basic needs of nutrition, clothing, and shelter. The annually calculated figure reflects changes in the local Consumer Price Index (CPI) for food, clothing, housing, transportation, and other family needs. Factors considered by the wage councils in setting minimum rates include changes in the local CPI, the skill level of workers, the local supply of manpower, and the ability of firms to pay. Minimum wage rates fall short of providing the decent standard of living the Government envisages. GDP per capita in 1988 was $434. Figures from 1983, the latest available, show that 26 per cent of the urban dwellers and 44 per cent of the rural population live below the absolute poverty level as defined by the World Bank. The minimum wage in the capital city of Jakarta ranges between $0.89 and $1.18 per day, depending on the industry.

A 1989 regulation on minimum wages calls for a review of minimum wages every 2 years, forbids employers from lowering wages already higher than the minimum, and provides mechanisms for enforcement and penalties for employer noncompliance. It also gives the Department of Manpower a legal basis for entering the place of work to carry out inspections.

Labor law and ministerial regulations provide workers with vacation pay, maternity leave, social security insurance, workplace accident insurance, 12 paid public holidays, generous overtime and sick leave pay, guaranteed severance and service pay, paid leave for personal and family occasions, and protection from delay in payment. In addition, workers usually receive transportation allowances, food allowances in cash or in kind or both, and holiday bonuses. Workers in more modern facilities often receive health benefits, social security contributions, and free meals.

Observance of the minimum wage varies from sector to sector and from region to region, and there are no reliable figures on compliance. Employer violation of overtime and minimum wage regulations, however, is considered to be fairly common. Manpower officials, backed by the new minimum wage regulation, have threatened to audit companies not paying the minimum wage and to take tougher action.

Both law and regulations provide for minimum standards of industrial health and safety. Five new health and safety regulations have been promulgated in the last 4 years. A national Health and Safety Council was created to oversee the enforcement efforts of the over 6,000 company safety committees. The Department of Manpower conducts yearly national campaigns to promote public awareness of health and safety needs among workers and employers and administers a country-wide comprehensive inspection system.

Workers are obligated to report hazardous working conditions and employers are prevented by law from retaliating against those who do. An ILO-sponsored program to enhance the technical capabilities of government inspectors and plant personnel in the area of chemical and major hazards control was signed in 1988, and the Government has sought additional technical assistance from other countries to increase inspection capabilities. Safety and health programs in the country's over 100,000 larger, registered industries in the nonoil sector are hampered by a limited number of qualified inspectors--less than 1,300; the slowness with which the firms established the required plant safety committees (only about 6,000 as of May 1989); and the need for more and better training of government inspectors and plant safety personnel.